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| 09/725,386      | 11/29/2000  | Erin M. Bourke-Dunphy | MS160274.1          | 6575             |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2124

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,386

Applicant(s)

BOURKE-DUNPHY ET AL.

Examiner

Trent J Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,5-12 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-12 and 15-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. This office action is responsive to Amendment A filed 21 January 2004.
2. Per applicant's request, amended claims 1, 5, 12, 21 and 24 have been entered. New claim 25 has been added, and claims 2-4 and 13-14 have been canceled.

### *Drawings*

3. The drawings were received on 21 January 2004. These drawings are acceptable.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 12-14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,442,754 to Curtis in view of U.S. Patent 6,487,713 to Cohen et al.

### **Regarding claim 1:**

Curtis teaches:

- a system for planning installation of a plurality of application or service components ("a system...for installing a program onto a computer..." in col. 3 lines 53-55)

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- an interface component for entering desired system configuration information (“another GUI panel...queries a user for the location of where to install the program.” in col. 6 lines 45-47)
- providing an installation procedure based on dependency requirements for a plurality of application or service components (Note Fig. 4a and the corresponding section of the disclosure)
- a dependency engine (“Then, the Dependency Manager is called...to perform dependency checking among the components that user has selected.” in col. 11, lines 52-54)

substantially as claimed. Curtis does not disclose identifying selected components to be installed, or, in response to a determination that improper dependencies exist based on selected components, adding the necessary components to correct the dependency. Cohen et al disclose in an analogous dependency-checking system the ability to identify selected components (“The same visual interface also allows the designer to add or remove components with the click of a mouse...” in col. 5 lines 1-3), and when improper dependencies are found to exist, adding the necessary components to correct the dependency as claimed (“the configurator, when encountering a dependency that depends upon the presence of an unselected object...automatically selects said object for inclusion...” in col. 11 lines 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the component selection interface of Cohen et al with the dependency-checking installation system of Curtis, as this would give the user greater ease and flexibility in deciding what components and objects they would want to install. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automatic dependency-adding features of Cohen et al with the dependency-checking installation system of Curtis, as this would allow the installation to continue with no user intervention.

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**Regarding claim 12:**

Curtis teaches:

- planning installation of a plurality of application or system components (“a system...for installing a program onto a computer...” in col. 3 lines 53-55)
- determining an installation procedure based on dependency requirements (Note Fig. 4a and the corresponding section of the disclosure)

Curtis does not teach selecting a plurality of service components to be installed using a user interface, nor adding each component necessary to ensure proper dependency between the selected components when improper dependencies exist based on the components selected. Cohen et al disclose in an analogous dependency-checking system the ability to select service components using a user interface (“The same visual interface also allows the designer to add or remove components with the click of a mouse...” in col. 5 lines 1-3), and when improper dependencies are found to exist, adding the necessary components to correct the dependency as claimed (“the configurator, when encountering a dependency that depends upon the presence of an unselected object...automatically selects said object for inclusion...” in col. 112 lines 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the component selection interface of Cohen et al with the dependency-checking installation system of Curtis, as this would give the user greater ease and flexibility in deciding what components and objects they would want to install. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automatic dependency-adding features of Cohen et al with the dependency-checking installation system of Curtis, as this would allow the installation to continue with no user intervention.

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**Regarding claim 23**, the rejection of claim 12 is incorporated, and further, Curtis teaches a computer-readable medium having computer-executable instructions (“wherein the computer usable media includes at least one computer program...” in col. 17 lines 61-62)

**Regarding claim 25:**

Curtis teaches:

- a computer implemented system that facilitates installation of a plurality of application or service components (“a system...for installing a program onto a computer...” in col. 3 lines 53-55)
- means for identifying dependency requirements for a plurality of application or service components (“Then, the Dependency Manager is called...to perform dependency checking among the components that user has selected.” in col. 11, lines 52-54)

Curtis does not disclose adding components to correct dependency of selected components. Cohen et al disclose in an analogous dependency-checking system adding the necessary components to correct the dependencies as claimed (“the configurator, when encountering a dependency that depends upon the presence of an unselected object...automatically selects said object for inclusion...” in col. 112 lines 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automatic dependency-adding features of Cohen et al with the dependency-checking installation system of Curtis, as this would allow the installation to continue with no user intervention.

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6. Claims 5-8, 15-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,442,754 to Curtis et al in view of U.S. Patent 6,487,713 to Cohen et al and further in view of U.S. Patent 5,761,380 to Lewis et al.

**Regarding claim 5**, the rejection of claim 1 is incorporated, and further, neither Curtis nor Cohen et al disclose an order for installing the selected components. Lewis et al disclose in an analogous system for component installation a necessity for an order of installation in col. 5 lines 8-11. It would have been obvious to someone of ordinary skill in the art at the time the invention was made to have an order of installation of the components, as this would enable components that may be reliant on others to perform properly.

**Regarding claim 6**, the rejection of claim 5 is incorporated, and further, neither Curtis nor Cohen et al disclose a plurality of computers. Lewis et al disclose a plurality of computers (“across a plurality of computer systems...” in col. 1 line 63) It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the installation system of Curtis modified by Cohen et al with a plurality of computers, as this would allow the administrator to modify installations on a network wide basis to account for the available resources in the computer network.

**Regarding claim 7**, the rejection of claim 6 is incorporated, and further, Curtis teaches that during installation, each one of the install objects is written out to a log file, in col. 6 lines 65-66. Because this log file is used for un-installation purposes, the log file must identify a relationship between the computer and the components there were installed.

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**Regarding claim 8**, the rejection of claim 7 is incorporated, and further, Curtis teaches the writing of a file to a predetermined data location (“written to a log file...which is put into a particular directory.” in col. 6 lines 66-67)

**Regarding claim 15:**

The rejection of claim 12 is incorporated, and further, the limitation regarding an order for installing the selected components would be obvious in view of Lewis et al for the reasons set forth in connection with claim 5.

**Regarding claim 16:**

The rejection of claim 15 is incorporated, and further, the limitation regarding identifying a plurality of computers would be obvious in view of Lewis et al for the reasons set forth in connection with claim 6.

**Regarding claim 17**, the rejection of claim 16 is incorporated, and further, Curtis teaches the limitation regarding the generation of a file which defines a relationship between components which would be rejected for the reasons set forth in connection with claim 7.

**Regarding claim 18**, the rejection of claim 17 is incorporated, and further, Curtis teaches the limitation regarding writing a file to a predetermined data location which would be rejected for the reasons set forth in connection with claim 8.



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**Regarding claim 22**, the rejection of claim 12 is incorporated, and further, neither Curtis nor Cohen et al disclose printing the installation procedure. Lewis et al disclose, in an analogous system for installing software components, printing the installation procedure (“The installation plan is presented on a local system display.” in col. 2 lines 18-19) It would have been obvious to someone of ordinary skill in the art at the time the invention was made to print the installation information so that the user may easily see what changes are being made to the computer.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,442,754 to Curtis in view of U.S. Patent 6,487,713 to Cohen et al, and in view of U.S. Patent 6,158,001 to Lee et al.

**Regarding claim 24:**

Curtis teaches,

- an interface component for entering desired system configuration information (“another GUI panel...queries a user for the location of where to install the program.” in col. 6 lines 45-47)
- providing an installation procedure based on dependency requirements for the plurality of components (Note Fig. 4a and the corresponding section of the disclosure)
- a dependency engine programmed to ensure proper dependency between selected components (“Then, the Dependency Manager is called...to perform dependency checking among the components that user has selected.” in col. 11, lines 52-54)

Curtis does not disclose the configuration information including information identifying selected components to be installed, or, in response to a determination that improper dependencies exist

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based on selected components, adding the necessary components to correct the dependency. Cohen et al disclose in an analogous dependency-checking system the ability to identify selected components ("The same visual interface also allows the designer to add or remove components with the click of a mouse..." in col. 5 lines 1-3), and when improper dependencies are found to exist, adding the necessary components to correct the dependency as claimed ("the configurator, when encountering a dependency that depends upon the presence of an unselected object...automatically selects said object for inclusion..." in col. 112 lines 2-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the component selection interface of Cohen et al with the dependency-checking installation system of Curtis, as this would give the user greater ease and flexibility in deciding what components and objects they would want to install. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the automatic dependency-adding features of Cohen et al with the dependency-checking installation system of Curtis, as this would allow the installation to continue with no user intervention.

Further, Curtis does not disclose a data packet adapted to be transmitted between at least two processes. Lee et al disclose an analogous system for determining dependencies between entities wherein data packets are used on a network, as seen in col. 3 lines 27-28. It would have been obvious to someone of ordinary skill in the art at the time the invention was made to develop the installation system of Curtis with the networking and data packet aspects of Lee et al, as this would allow a network administrator to send individual install applications over a network to the various computers, saving the need to copy the install application from a storage device such as a CD-ROM or floppy disk.

8. Claims 9-11 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,442,754 to Curtis et al in view of U.S. Patent 6,487,713 to Cohen et al, further in view of U.S. Patent 5,761,380 to Lewis et al, and further in view of U.S. Patent 6,119,122 to Bunnell.

**Regarding claim 9**, the rejection of claim 8 is incorporated, and further, neither Curtis nor Cohen et al nor Lewis et al disclose data location comprising an object of a distributed directory. Bunnell teaches in col. 5 lines 37-39 the ability to create and modify data stored on a distributed directory. It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use a distributed directory with the system of Curtis, modified by Cohen et al and further modified by Lewis et al, as this would enable a network administrator to easily track and access data objects across a network using a directory service management program.

**Regarding claim 10**, the rejection of claim 9 is incorporated, and further, neither Curtis nor Cohen et al nor Lewis set al disclose a group object and a computer object as claimed. Bunnell discloses an object administration interface for a distributed network, consisting of a grouping object with one or more sub-objects. Note Fig. 5 and the corresponding section in the disclosure in col. 10 lines 35-67 and col. 11 lines 1-23. It would have been obvious to someone of ordinary skill in the art at the time the invention was made to use the distributed directory object organization scheme of Bunnell in the invention of Curtis, modified by Cohen et al and further modified by Lewis et al, as this would allow a systems administrator to cleanly and efficiently track computer systems and related sub-processes on a network.

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**Regarding claim 11**, the rejection of claim 9 is incorporated, and further, Curtis teaches the automation of at least a portion of an associated installation process (“pass a response file to the install program...including information used to control the installation.” in col. 9 lines 60-62)

**Regarding claim 19**, the rejection of claim 18 is incorporated, and further, the limitation regarding the object of a distributed directory would be obvious in view of Bunnell for the reasons set forth in connection with claim 9.

**Regarding claim 20**, the rejection of claim 19 is incorporated, and further, the limitation regarding the group object for characterizing a virtual group of computers, the group object including at least one computer object for identifying member components of the virtual group, the computer object including at least one component object for characterizing the components selected to be installed would be obvious in view of Bunnell for the reasons set forth in connection with claim 10.

**Regarding claim 21**, the rejection of claim 19 is incorporated, and further, the limitation regarding selecting a component for installation would be obvious in view of Bunnell for the reasons set forth in connection with claim 11.

### *Response to Arguments*

9. Applicant's arguments filed 21 January 2004 have been fully considered but they are not persuasive.

**Regarding rejections under 35 USC § 112:**

In light of the Applicant's amendments, the rejections under 35 USC § 112 have been withdrawn.

**Regarding rejections involving U.S. Patent 6,473,771 to Zimniewicz et al:**

In light of the Applicant's remarks of common assignment to the Microsoft Corporation at the time the invention was made, the rejections involving Zimniewicz et al have been withdrawn. Specifically, rejections under 35 USC § 102(e) of claims 1-3, 5, 6, 12, 13, 15, 16 and 22-24 have been withdrawn, and rejections under 35 USC § 103(a) of claims 4, 7-8, 9-11, 14, 17-18 and 19-21 have been withdrawn.

**Regarding rejections involving U.S. Patent 6,442,754 to Curtis:**

**Per claims 1, 12 and 23:**

The Applicant states that Curtis is concerned with the aspect of installing a single application program onto a computer, in contrast to the instant application which provides an installation procedure for a plurality of application or service components. In response, it is noted that Curtis discloses a plurality of install objects, wherein the objects are intended for installation ("Within each file set object there are multiple install objects...there are several types of install objects – file object, registry object, shortcut object, directory object, permissions object, a library file object, a dependency object, and folder object...other objects are also possible..." in col. 6 lines 30-35). Furthermore, since the language of the claim states that an installation procedure is provided for a plurality of application *or* (emphasis added) service components, it is necessary to only show either

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an installation procedure for a plurality of application components, or an installation procedure for a plurality of service components. Since the invention of Curtis is concerned with the installation of a program, and this program is shown to have a wide variety of objects, equally components, then Curtis is shown to provide installation procedures for a plurality of application components.

Furthermore, the Applicant states that the combination of Curtis and Cohen et al is based on improper hindsight, and that there is no motivation to combine the references. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

With regards to claims 1, 12 and 23, one of ordinary skill in the art at the time the invention was made would be motivated to use a mouse selection technique for selecting components, as it is well within the level of ordinary skill to use a mouse for onscreen selecting of options, and to further include the ability to add necessary components to ensure proper dependency, as one within the level of ordinary skill would desire an installed program to execute correctly, thus necessitating the requirement for all needed components to be installed.

For these reasons, the rejections of claim 1, 12 and 23 are maintained.

**Per claims 5-8, 15-18 and 22:**

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The Applicant states that claims 5-8, 15-18 and 22 are allowable for being dependent on claims 1 and 12. However, the rejection of claims 1 and 12 were maintained, and further, the Applicant failed to indicate that the reasons to combine and motivations concerning the rejections of claim 5-8, 15-18 and 22 are improper. As such, the argument that claims 5-8, 15-18 and 22 are allowable as being dependent on allowable base claims is considered moot. Therefore, the rejections of claims 5-8, 15-18 and 22 are proper and maintained.

**Per claims 9-11 and 19-21:**

The Applicant states that claims 9-11 and 19-21 are allowable for being dependent directly or indirectly on claims 1 and 12. However, the rejections of claims 1 and 12 were maintained, and further, the Applicant failed to indicate that the reasons to combine and motivations concerning the rejections of claim 9-11 and 19-21 are improper. As such, the argument that claims 9-11 and 19-21 are allowable as being dependent on allowable base claims is considered moot. Therefore, the rejections of claims 9-11 and 19-21 are proper and maintained.

**Per claim 24:**

The Applicant states that Curtis fails to disclose, teach, or suggest identifying selected components to be installed, and a dependency engine adding necessary components to ensure proper dependency. As was shown above in regards to claims 1 and 12, Cohen et al discloses identifying selected components to be installed, and a dependency engine adding necessary components to ensure proper dependency. Further, it was shown that the motivation to combine Curtis and Cohen et al was proper. Lastly, the Applicant failed to indicate that the reasons to combine and motivation concerning Curtis and Lee et al are improper. Therefore, the rejection of claim 24 is maintained.

### *Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Trent J Roche

Examiner

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TJR

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